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Human rights situations that require the Council's attention

Note verbale dated 7 July 2016 from the Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva and specialized institutions in Switzerland to the President of the Human Rights Council

The Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva and specialized institutions in Switzerland presents its compliments to the Office of the President of the Human Rights Council and has the honour to submit the note from the Permanent Representative of the Syrian Arab Republic to the President of the Council (see attachment)* regarding the incessant daily terrorist attacks against residential quarters of the city of Aleppo, which began on Wednesday 6 July and are still ongoing at the time of writing.

The Permanent Mission requests that the present note and its attachments be circulated as an official document in the forthcoming session of the Human Rights Council (the thirty-third session) under the relevant agenda item.

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مرفق المذكرة الشفوية المؤرخة 7 تموز/يوليه 2016، الموجهة من البعثة الدائمة للجمهورية العربية السورية لدى مكتب الأمم المتحدة والمنظمات الدولية الأخرى في جنيف إلى رئيس مجلس حقوق الإنسان

السيد رئيس مجلس حقوق الإنسان،

أكتب إليكم بشأن ما تقوم به الجماعات الإرهابيّة التي ترعاها وتدعمها دول وأنظمة محددة، في مقدمتها الأنظمة الحاكمة في كل من السعوديّة وقطر وتركيا، من هجمات صاروخيّة عشوائيّة تستهدف الأحياء السكنيّة في مدينة حلب بشكل يومي هستيري منذ الأربعاء 6 تموز/يوليه 2016. وهي هجمات أدت إلى فقدان ما يزيد عن الخمسين مدنياً لحياتهم، غالبيتهم نساء وأطفال، وإلى إصابة ما يزيد عن 250 شخصاً، نتيجة إمطار الأحياء السكنيّة والأسواق في مدينة حلب بمختلف أنواع القذائف المتفجرة والصاروخيّة وأسطوانات الغاز المتفجرة المعروفة باسم مدفع جهنم، وذلك بشكل عشوائي ودون أي مبالاة بحياة المدنيين، بشكل متعمد يومياً. ويأتي ذلك في انتهاك فاضح ومتكرر لاتفاقات التهدئة ووقف الأعمال القتاليّة، حيث بلغت هذه الخروقات وفق مركز حميميم 762 انتهاكاً منذ نهاية شهر شباط/فبراير وحتى تاريخ 9 تموز/يوليه 2016.

وقد كان من الملاحظ استخدام هذه الجماعات الإرهابيّة مؤخراً لأسلحة وذخائر نوعيّة جديدة، من صواريخ وقذائف متفجرة ذات قدرة تدميريّة عالية وراجمات صواريخ وقنابل عنقوديّة متطورة وفرتها لها الأنظمة الحاكمة في تركيا والسعوديّة، بمباركة من دول غربيّة، الأمر الذي أدى إلى سقوط أعداد كبيرة من المدنيين وإلى دمار واسع في المنازل والأبنية السكنيّة نتيجة استخدام هذه الأسلحة ذات القدرة التدميريّة الكبيرة. وقد سقط من المدنيين يوم كتابة هذه الرسالة إليكم ثمانية شهداء وثمانون جريحاً بتاريخ 11 تموز/يوليه 2016، فيما بلغت حصيلة الضحايا خلال فترة عيد الفطر الممتدة ما بين 6-8 من شهر تموز/يوليه 40 شهيداً، بينهم 17 طفلاً و15 امرأة و170 جريحاً، بينهم 46 طفلاً، و46 امرأة (مرفق جدول يوثق أسماء شهداء عيد الفطر في مدينة حلب)، إضافةً إلى خسائر ماديّة كبيرة في الممتلكات الخاصة والعامة، في كافة الأحياء السكنيّة مثل الفرقان وسيف الدولة والسبيل والنيّال والعزيزيّة والمشارقة. وقد سجلت أكبر الخسائر في السكن الجامعي الذي يقطنه نحو 3 700 نازح نتيجة استهدافه يوم 8 تموز/يوليه بعشرات القذائف المتفجرة والصاروخيّة، وكذلك في سوق شعبي في حي الفرقان.

إنّ استمرار هذه الأعمال الإرهابية الجبانة، التي يحلو للبعض تسميّة منفذيها "جماعات المعارضة المعتدلة"، كجبهة النصرة وأحرار الشام وجيش الفتح وجيش الإسلام وغيرها من الجماعات الإرهابيّة التي تدور كلها في فلك تنظيمي "داعش والقاعدة"، أو تنتسب إليهما، ما هو إلا دليل على نفاق الدول التي تدعي مكافحة الإرهاب، ودليل على عدم جديّة

دول كفرنسا والمملكة المتحدة والولايات المتحدة الأمريكيّة، الأعضاء الدائمين في مجلس الأمن، في مراعم مكافحتها للإرهاب، وعلى ازدواجيّة المعايير التي تتعامل بها في هذا الخصوص.

إنّ هذه الأعمال الإجراميّة الجبانة التي تستهدف المدنيين الأبرياء في أماكن سكناهم وعملهم، وفي شوارعهم وأسواقهم، تحظى بكل أسف بحماية الأنظمة الحاكمة في السعودية وقطر وتركيا، ودول دائمة العضويّة في مجلس الأمن مثل فرنسا والمملكة المتحدة والولايات المتحدة الأمريكيّة، والتي ما زالت تُغدق على الجماعات الإرهابيّة المسؤولة عن هذه الجرائم مختلف أشكال الدعم، خاصةً المال والسلاح، فيما توفر غيرها مثل تركيا والسعودية والأردن و"إسرائيل" ملاذات آمنة للجماعات الإرهابيّة.

الحقيقة الوحيدة هنا هي أنّ نيران الإرهاب لا بد أن تكوي من أشعلها، ولا بد أن تنتقل هذه النيران إلى مكان مُشعلها لأن الإرهاب ظاهرة جرميّة لا دين ولا وطن ولا جنسيّة له.

إنّ الفشل المستمر في اتخاذ إجراءات رادعة وعقابيّة فوريّة بحق الدول والأنظمة الداعمة والراعية والممولة للإرهاب هو رسالة صريحة للمجرم الإرهابي المُغذ والمشريك والمتواطئ والمخطط للاستمرار في ارتكاب المجازر ضد السوريين وللتمادي في أعمالهم الإرهابيّة.

تؤكد حكومة الجمهوريّة العربيّة السوريّة على أنّ هذه الجرائم التي ترتكبها الجماعات الإرهابيّة ورعاتها لن تثنيها عن الاستمرار في تأدية واجبها في مكافحة الإرهاب والعمل على تحقيق حل سياسي للأزمة عبر حوار سوري – سوري، بقيادة سوريّة، ومن دون تدخل خارجي، بما يفضي إلى القضاء على الإرهاب. كما لن تثنيها عن إعادة بناء ما دمره الإرهابيون وشركاؤهم وممولوهم وداعموهم واستعادة الأمن والاستقرار للشعب السوري.

إنّ مجلس حقوق الإنسان وبصفته الهيئة الرئيسيّة المسؤولة عن تعزيز جميع حقوق الإنسان وحمايتها، مطالب من خلال آلياته المتعددة بتسليط الضوء على هذه الأعمال الإرهابيّة، بوصفها أعمالاً إجراميّة تستهدف الحقوق الأساسيّة للشعب السوري، وفي مقدمتها الحق في الحياة والمأوى والأمان، وتُهدد السلامة الإقليميّة للدول وأمنها. والمجلس مطالب بمنع الدول، التي تدعم الإرهاب في سوريا والتي تفرض إجراءات عقابيّة قسريّة جماعيّة ضد الشعب السوري، من استغلال آلياته لتنفيذ مآربهم الإجراميّة في سوريا تحت مزاعم كاذبة ومضللة تحت يافطة حقوق الإنسان. وهو مطالب بالمساهمة بشكل إيجابي في تعزيز التعاون الدولي الجاد وفقاً لأحكام ومبادئ القانون الدولي وتنفيذاً لقراراته ذات الصلة المناهضة للأعمال الإرهابيّة، وبإدانة مرتكبيها وداعميهم بأي شكل من أشكال الدعم المباشر أو غير المباشر، لا سيما الدعم السياسي والعسكري واللوجستي والمالي.

وسأكون ممتناً فيما لو عمّمت هذه الرسالة ومرفقاتها كوثيقة من وثائق الدورة الثالثة والثلاثين لمجلس حقوق الإنسان.

(التوقيع) السفير حسام الدين **آلا**
المندوب الدائم

ضميمة

الاسم	العمر	المكان
سلوى أبو دان بنت ماهر	30	الفرقان
أماني حج حسن بنت عبد الحليم	22	الفرقان
علي عبد الغفور بن خيرو	20	الفرقان
قمر عوض بنت باسل	9	الفرقان
زكريا جوماني بن أحمد	12	الفرقان
عبير قطماوي صباغ بنت محمد	31	الفرقان
سميرة بوادقجي بنت مفيد	35	الفرقان
فاطمة حيدر بنت عبد اللطيف	49	الفرقان
قاسم جليلاتي بن يوسف	34	الفرقان
مياسة حسن بنت زكريا	34	الفرقان
سمير قرعا بن حسن	39	الفرقان
يمان صابر بن هاشم	14	الفرقان
علية حسن بنت زكريا	14	الفرقان
عبير قلعجي بنت صبحي	41	الفرقان
فريال دبلوني بنت يامن	7	الفرقان
غالية الحاج حمود بنت عرفان	28	الفرقان
محمد نعناعة بن محمود	4	الفرقان
يزن نعناعة بن حمود	3	الفرقان
محمود نعناعة بن حمود	31	الفرقان
نسرين محمد بنت قدري	30	الفرقان
راما بلال بنت جهاد	14	الفرقان
أحمد محمد بن طاهر	28	الفرقان
محمد محمد بن طاهر	9	الفرقان
مازن أعرج بن محمد أديب	27	الفرقان
ليمار عزيزي بنت محمد محمد علي	13	الفرقان
عبير عابدين بنت محمود	25	الفرقان
محمد رياض موالدي بن أحمد	39	الفرقان
آية الهاشم بنت محمد علي	18	الفرقان
حسناء عيروض بنت صفوت	60	الفرقان
أحمد عبوش بن محمد	26	الفرقان

الاسم	العمر	المكان
فدا خرشوم بنت محمد	23	الفرقان
أحمد براء أشرفي بن حازم	13	المشارقة
عبد الرحمن أشرفي بن بدر الدين	13	المشارقة
نجم الدين أشرفي بن بدر الدين	10	المشارقة
محمد صفوت بوشي بن بسام	14	المشارقة
أحمد صبحي المصطفى بن مصطفى	40	الفرقان
رندة زلخي بنت عبد الوهاب	33	الفرقان
نور الدين مصطفى بن محمد	47	الفرقان
إيمان الباش بنت عمر	49	المشارقة
محمد حسون بن فاخر	21	الفرقان

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Agenda item 4
Human rights situations that require the Council's attention

Letter dated 10 August 2016 from the Permanent Representative of Georgia to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to transmit herewith the second quarterly report (April – June 2016) of the Ministry of Foreign Affairs of Georgia on the human rights situation in the occupied regions of Georgia (see annex).

In this context, I would be highly appreciative if you could kindly circulate the present letter and the annex thereto* as a document of the thirty-third session of the Human Rights Council under agenda item 4.

(*Signed*) Shalva Tsiskarashvili

Permanent Representative

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Annex to the letter dated 10 August 2016 from the Permanent Representative of Georgia to the United Nations Office at Geneva addressed to the President of the Human Rights Council

Second quarterly report (April-June 2016) of the Ministry of Foreign Affairs of Georgia on the human rights situation in the occupied regions of Georgia

I. Introduction

Aims of the report and methodology applied

1. In January 2015 the Ministry of Foreign Affairs of Georgia started preparation of quarterly reports aiming at assessing the human rights situation in the occupied regions of Georgia. The Ministry of Foreign Affairs of Georgia prepared four such reports in 2015. This is the second quarterly report of the Ministry of Foreign Affairs of Georgia for the year 2016 covering the period of April-June 2016. The Ministry of Foreign Affairs of Georgia will further continue the preparation of such reports on a quarterly basis. This reporting exercise aims to contribute to the provision of regular and updated information to the international community, to states as well as to international inter-governmental and non-governmental organizations, on the human rights situation in the occupied regions of Georgia.

2. As for the applied methodology, this reporting exercise consolidates and assesses existing information from various open sources, national and international, on violations of human rights in the occupied regions of Georgia. Due to limitations on its length, the report does not aim to collect/contain information on all cases of violations of human rights in the occupied regions of Georgia; it aims to consolidate and assess only some of the most known examples of violations. The methodology applied does not provide for the conduct of fact-finding visits to the occupied regions of Georgia, nor to the conduct of interviews. Therefore the methodology applied does not enable this reporting exercise to collect and produce new data on the human rights situation in the occupied regions of Georgia.

Responsibility of the occupying power for human rights violations

3. The territories of two regions of Georgia – Abkhazia, Georgia and the Tskhinvali Region, Georgia are occupied by the Russian Federation. The Russian Federation as the occupying power, exercises effective control over Abkhazia, Georgia and the Tskhinvali Region, Georgia. These two regions still remaining under foreign military occupation, constitute above all dangerous "black holes" in terms of holding the violators accountable.

4. On 29 June 2016, at the 32nd Session of the UN Human Rights Council, "Joint Statement on the Human Rights and Humanitarian Situation in Georgia's Regions of Abkhazia and the Tskhinvali Region" was made, which was initiated by Georgia and joined by 42 other countries[1]. According to the Joint Statement, "[t]he international community

[1] List of Countries: Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, FYR of Macedonia, Germany, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxemburg, Malta, Marshall Islands, Montenegro, Netherlands, Norway, Poland, portugal, Republic of Moldova, Romania, San

remains deeply concerned by the human rights and humanitarian situation in Georgia's regions of Abkhazia and the Tskhinvali Region/South Ossetia. We call for the full respect of the rights of members of the local population residing in both regions. To this extent it is of an utmost importance to assist international monitors in objective and independent reporting of the situation on the ground." The above document further states "[w]e are deeply concerned about the reports of kidnappings, illegal detentions, violation of property rights, restrictions on access to education in one's native language, movement and residence as well as the continued discrimination on an ethnic basis. Here, we stress the importance of ensuring the ability of all forcefully expelled IDPs and refugees to return to their homes in both regions in a safe, dignified and voluntary manner."[2]

5. Occupation policy of the Russian Federation regarding the territory of Georgia deprives several hundreds of thousands of IDPs of their internationally recognized right to a voluntary, safe and dignified return to places of their permanent residence. It should be particularly emphasized here that on 10th June 2016, the United Nations General Assembly adopted a resolution recognizing "the right of return of all internally displaced persons and refugees and their descendants, regardless of ethnicity, to their homes throughout Georgia, including in Abkhazia and the Tskhinvali region/South Ossetia".[3]

6. On 4th May 2016, the Committee of Ministers' Deputies of the Council of Europe made a decision in which it once again recognized effective control of the Russian Federation in Abkhazia and Tskhinvali regions. Namely, in the above decision, the Committee of Ministers' Deputies "deeply regretted that, despite the attempts, neither the Commissioner for Human Rights of the Council of Europe, nor the Secretariat delegation in charge of preparing the Secretary General's consolidated reports have been granted access to the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia; invited the Secretary General to engage in a dialogue with the Russian Federation and Georgia to this end; called on the Russian Federation to facilitate and grant unrestricted access to the territories beyond the control of the Georgian authorities to the existing bodies of the Council of Europe."[4]

7. In its decision, adopted on 4th May 2016, the Committee of Ministers' Deputies of the Council of Europe "called on the authorities exercising effective control: to guarantee and implement the right to education for everyone in schools and preschools, including education in the native language in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia; to create conditions allowing for the voluntary, safe and dignified return of IDPs and refugees, including through protecting their right to property and securing effective remedy; to remove any impediment, restriction or limitation to the right to freedom of movement across the administrative boundary lines and to prevent arbitrary detention of persons, including in the context of so called "illegal border crossing"; to ensure that the population living in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia are not prevented or deterred by discriminatory rules from holding Georgian passports; to conduct an independent and effective investigation of all allegations

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Marino, Slovenia, Spain, Sweden, Turkey, Ukraine, the UK, the USA.

[2] Joint Statement on the Human Rights and Humanitarian Situation in Georgia's Regions of Abkhazia and the Tskhinvali Region, 32nd Session of the UN Human Rights Council, 29 June 2016.

[3] Resolution adopted by the General Assembly on 10 June 2016 on Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, A/RES/70/265, paragraph 1.

[4] The Council of Europe and the conflict in Georgia, decision of the Committee of Ministers' Deputies of the Council of Europe, 1255th Meeting (4 May 2016), paragraph 8.

of human rights violations."[5] It should be noted here that according to the same document, "Georgia as the only sovereign state under international law over its regions of Abkhazia and Tskhinvali region/South Ossetia, is currently prevented from exercising legitimate effective control over these regions."[6]

8. The occupying power, exercising effective control, has been preventing numerous international organizations, including humanitarian, from entering Abkhazia, Georgia and the Tskhinvali Region, Georgia. On 27th April 2016, "EU Statement on the Secretary General's 13th Consolidated Report on the conflict in Georgia"[7] was made at 1254th Council of Europe Committee of Ministers Meeting. According to this statement, "The EU regrets that its Monitoring Mission [EUMM] does not have access to the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia". According to the same statement, "[t]he EU will continue to support a wide range of humanitarian, protection, development and other co-operation actions in the Georgian region of Abkhazia, in particular also with international and local NGO, in particular through Confidence-Building and Response Mechanism. The EU calls for unimpeded humanitarian access to the Georgian region of Tskhinvali region/South Ossetia, where similar actions are needed."[8]

9. It should be emphasized here that during the reporting period, namely in May 2016, the European Union Special Representative (EUSR) Ambassador Herbert Salber commissioned an independent Senior Expert, Mr. Thomas Hammerberg, to assess the human rights situation in Abkhazia, Georgia.[9] This initiative is based on humanitarian considerations and is in line with EU's non-recognition and engagement policy; it is launched under the human rights component of the EUSR's mandate.[10] According to the agreed modalities, Senior Expert, Mr. Thomas Hammerberg will prepare a report for the EUSR in the beginning of the autumn 2016, based on several study visits to Tbilisi, Zugdidi, Sokhumi and Gali.[11] It should be noted here that the above initiative does not imply a regular mandate and that it does not aim to assess the human rights situation in Tskhinvali region, Georgia.

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[5] The Council of Europe and the conflict in Georgia, decision of the Committee of Ministers' Deputies of the Council of Europe, 1255th Meeting (4 May 2016), paragraph 7.

[6] The Council of Europe and the conflict in Georgia, decision of the Committee of Ministers' Deputies of the Council of Europe, 1255th Meeting (4 May 2016), paragraph 3.

[7] Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015 – March 2016), 2016, SG/Inf (2016) 14.

[8] EU Statement on the Secretary General's 13th Consolidated report on the conflict in Georgia, 1254th Council of Europe Committee of Ministers Meeting – 27 April 2016.

[9] Foreign Minister met Thomas Hammerberg – Murder Committed on 19 May as one of the Main Topics, "Medianews", 18 June 2016, available at <http://medianews.ge/ge/19maissmomkhdarimkvlelobaert-ertumtavaritema-sagareosaqmetaministritomashamerbergsshekhvda/5834>; Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 10 May and 15 May 2016, p. 8.

[10] Vakhtang Kolbaia met with Thomas Hammerberg, Independent Expert on Human Rights, "Government of Autonomous Republic of Abkhazia", 10 May 2016, available at <http://abkhazia.gov.ge/index.php?lang_id=GEO&sec_id=36&info_id=7216>.

[11] Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 6 June and 12 June 2016, p. 15.

Occupation line and installation of barbed wire fences and new banners/signposts

10. The occupation line along the administrative boundary line (ABL) with Abkhazia and the Tskhinvali Region separates Georgia from its two occupied territories. Since January 2013 the Russian occupation forces intensified the process of the installation of razor wire and barbed wire fences and other artificial obstacles along the occupation lines in Abkhazia and the Tskhinvali Region. Currently, the total length of artificial barriers along the occupation line in Tskhinvali Region is nearly 51 km. Razor and barbed wire fences cover a stretch of more than 12 km in the Abkhazian region.

11. In its decision, adopted on 4th May 2016, the Committee of Ministers' Deputies of the Council of Europe "regretted that despite the continued calls upon the Russian Federation to reverse the process of installation of artificial obstacles along the administrative boundary lines which divide families and communities and violate human rights and fundamental freedoms, it continues this process through various means, including by installing new demarcation signposts."[12]

12. According to "Joint Statement on the Human Rights and Humanitarian Situation in Georgia's Regions of Abkhazia and the Tskhinvali Region", adopted on 29 June 2016 at the 32nd Session of the UN Human Rights Council, "[w]e also note with profound concern the continued unacceptable process of "borderization" along the Administrative Boundary Lines and ongoing installation of barbed wire and razor wire fences, which significantly affect the livelihoods of residents, divide families, prevent people-to-people contacts, isolate the local population and sever remaining ties between the communities torn apart by the conflict."[13]

13. During the reporting period, namely on 6th June, 2016 the Russian occupying forces installed two additional banners marking the so-called "state border" on the territory adjacent to the occupied Tskhinvali Region, namely in the vicinity of the village of Avlevi, Kareli district, thus leaving plots of lands of several local farmers beyond new markers.[14] The agricultural plots of lands which are now beyond new markers are belongings of local families and they were used by them for farming.[15] According to locals, they will no longer be able to have access to their plots of lands.[16] The installation of two additional banners

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[12] The Council of Europe and the conflict in Georgia, decision of the Committee of Ministers' Deputies of the Council of Europe, 1255th Meeting (4 May 2016), paragraph 4

[13] The Council of Europe and the conflict in Georgia, decision of the Committee of Ministers' Deputies of the Council of Europe, 1255th Meeting (4 May 2016), paragraph 4

[14] Near Avlevi Village Armed Persons Installed Banners of so called State Border, "Kvira.ge", 8 June 2016, available at <http://kvira.ge/%E1%83%A1%E1%83%9D%E1%83%A4%E1%83%94%E1%83%9A-%E1%83%90%E1%83%95%E1%83%9C%E1%83%94%E1%83%95%E1%83%98%E1%83%A1-%E1%83%92%E1%83%90%E1%83%9C%E1%83%90%E1%83%9F%E1%83%98%E1%83%A0%E1%83%90%E1%83%A1/>; Georgian President met Johannes Hahn, "Medianews", 9 June 2016, available at <http://medianews.ge/ge/afkhazetsadatskhinvalshiusafrikheobisadahumanitarulisituatsiasakmaodmdzimea-giorgikvirikashvili/5247>

[15] Russian Border Guards Installed New Banners near the Village of Avlevi, "IPN", 8 June 2016, available at <http://www.interpressnews.ge/ge/konfliqtebi/383443-sofel-avlevis-ganapiras-shetaraghebulma-pirebma-etssazghvris-aghmnishvneli-banerebi-daamontazhes.html?ar=A>

[16] Russia is Continuing the Process of Borderisation, "GHN", 8 June 2016, available at <http://ghn.ge/com/news.view/154618>

marking the so-called "state border" cuts around ten hectares from the territory controlled by the central government of Georgia.[17]

New so called "Laws"

14. During the reporting period, namely on 1st April 2016, so called "law on legal status of foreign citizens in Abkhazia" and "law on entry and exit of Abkhazia" became operational. Similar document was adopted by the Tskhinvali occupation regime, namely so called "law on legal status of foreigners in the Republic of South Ossetia". Adoption of so called "laws" in many ways target the ethnic Georgian population living in the occupied territories. The Ministry of Foreign Affairs of Georgia expresses its serious concern on the adoption of new discriminatory regulations for ethnic Georgians living in the occupied regions of Georgia. There is threat that this so called "laws" can become ground for another wave of ethnic cleansing.

15. So called "law on legal status of foreign citizens in Abkhazia" aims to qualify ethnic Georgians, living in the region of Abkhazia, into a category of "foreign citizens" and to discriminate against them in many ways. Many ethnic Georgians living in Abkhazia, predominantly in Gali district, hold Georgian citizenship that qualifies them into the category of "foreigners" under the so called "law on legal status of foreign citizens in Abkhazia" and therefore puts limitation on their human rights including on the freedom of movement, the right to property and labour rights. Under this so called "law" ethnic Georgians holding Georgians citizenship are deprived possibility to obtain residence permits and respective restrictive clauses prepared "legal" ground for persecution of ethnic Georgian families. During the reporting period, namely on 1st April 2016, the Public Defender of Georgia published "the Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia - 2015". According to this report, the adopted "regulations" will directly affect the population in Gali district: it is likely that many residents fail in meeting requirements of so called "Abkhazian citizenship", even the criteria of obtaining the residence permits and therefore may be forced to leave the place of permanent residence.[18]

16. By the adoption of so called "law on entry and exit of Abkhazia", the decision has been made to introduce visas for states a) not recognizing so called "independence of Abkhazia" and b) not having a "bilateral agreement" of visa free travel. Under this so called "law" any person can exit Abkhazia, however only so called "citizens of Abkhazia" can enter Abkhazia without additional formalities. It should be noted that a foreign citizen or a person without citizenship can be expelled from the territory of occupied Abkhazia if that person poses a threat to defense and security or to public order. It should be emphasized that this so called "law", creates additional obstacles to representatives of international organizations leading to further isolation of the region.

17. According to "EU Statement on the Secretary General's 13th Consolidated Report on the conflict in Georgia", made on 27th April 2016, "[t]he EU is deeply concerned about so-called laws "on the legal status of foreign citizens" and "on exit and entry", which recently entered into force. These so-called laws further enhance previous illegal activities of

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[17] Russian Border Guards Installed New Banners in Kareli District, 8 June 2016, available at <http://news.vitube.ge/index.php?page=single&id=43193&posttitle=qarelis_raionshi_rusma_mesazRvreebma_axali_baneri_daamontales>.

[18] The Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia – 2015, "Public Defender (Ombudsman) of Georgia", 1 April 2916, p. 123, available at <http://www.ombudsman.ge/uploads/other/3/3652.pdf>.

"borderization" that divide families and communities and is in breach of international law. It creates additional significant impediments for the people on the ground, depriving them from fundamental rights, including freedom of movement and property rights. We insist on a repeal of these so-called laws to ensure that local population is not discriminated on ethnic basis and once again call for removal of the fences and other obstacles to the freedom of movement, prevention of arbitrary detention of persons, including in the context of so called border crossing."[19]

New wave of so called "Passportisation"

18. The adoption of the above-mentioned so called "laws" by the occupation regimes of Sokhumi and Tskhinvali is directly linked to the new illegal wave of "passportization" in the occupied territories.

19. According to the information disseminated during the reporting period, distribution of so called "Abkhazian passports" is planned from 10th July 2016.[20] It should be recalled here that the process of so called "passportisation" in the occupied Abkhazia implies procession and distribution of 300 thousand new documents - 250 thousand so called "passports" and 50 thousand so called "residence permits". All 300 000 documents were already processed in the Russian Federation by "Goznak" and their distribution was postponed several times.

20. The purpose of so called "passportisation" in the occupied Abkhazia is to classify the population into categories of "citizens of Abkhazia" and "foreign citizens". Those residents of Abkhazia that are not citizens of Georgia, will be eligible to obtain so called "Abkhazian passports". It should be recalled here that in 2014, so called "parliament" of the Sokhumi occupation regime adopted so called "decree" by which it annulled so called "Abkhaz passports" of around 25 000 ethnic Georgians living in Abkhazia, predominantly in Gali district.[21] According to the information disseminated during the reporting period, "General Prosecutor" of the Sokhumi occupation regime declared that these "passports" were issued illegally and therefore are void.[22] According to the information disseminated on 12th April 2016, investigation by so called "Prosecutor's Office" of the Sokhumi occupation regime compiled around 500 volumes of materials on improper passport issuance only in Gali district.[23] Nowadays it has become evident that "Abkhaz passports" of 25 000 ethnic Georgians were cancelled in order to give to ethnic Georgians the status of "foreign citizens" that implies lots of restrictions on their human rights.

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[19] EU Statement on the Secretary General's 13th Consolidated report on the conflict in Georgia, 1254th Council of Europe Committee of Ministers Meeting – 27 April 2016

[20] Dzapsha 'New Abkhazian Passports will be Distributed from 10th July', "Apsny", 20 June 2016, available at <http://apsny.ru/news/?ID=22876>. As for occupied Tskhinvali region, in June 2015, the Tskhinvali occupation regime began accepting applications for so called "South Ossetian passports," which required individuals renounce their Georgian citizenship.

[21] The Realm of the Possible - Finding ways forward in the Georgian-Abkhaz context. People in the Gal I region. Conciliation Resources, July 2015, pages 4 and 5, available at < http://www.c-r.org/downloads/CR_The-Realm-of-the-possible_Gal-i_43_web1.n.pdf >

[22] In General Prosecutor's Office around 500 volumes of materials were compiled on passport issuance in Gali district and more than 200 volumes were compiled on passport issuance in Tkvarcheli district. "Apsnypress", 12 April 2016, available at <http://www.apsnypress.info/news/v-genprokurature-sobrano-poryadka-500-tomov-materialov-pasportnogo-dela-po-galskomu-rayonu-i-svyshe-/>

[23] In General Prosecutor's Office around 500 volumes of materials were compiled on passport issuance in Gali district and more than 200 volumes were compiled on passport issuance in Tkvarcheli district. "Apsnypress", 12 April 2016, available at <http://www.apsnypress.info/news/v-genprokurature-sobrano-poryadka-500-tomov-materialov-pasportnogo-dela-po-galskomu-rayonu-i-svyshe-/>

21. Since the commencement of distribution of so called "Abkhazian passports" is planned from 10th July 2016, the real impact of so called "passportisation" on ethnic Georgians residing in the occupied Abkhazia will become obvious from the above date. On the other hand, the implementation of so called "passportisation" from July 2016 is undoubtedly a precondition for the factual realization of the adopted so called "laws" on legal status of foreigners and on entry and exit. According to the information disseminated during the reporting period, it is planned to adopt around 40 so called "by-laws" in order to carry out this so called "passportisation".[24] Undoubtedly, this so called "passportisation" in the occupied Abkhazia and the Tskhinvali region may result in a situation where individuals, not eligible to so called new "passports" or so called new "residence permits", face more complications regarding the right to property and the freedom of movement across the occupation line. Ethnic Georgians residing in the occupied region of Abkhazia have all grounds to be concerned about such perspective: status of a "foreigner" can at least restrict their right to property and deteriorate prospects of movement across the occupation line and, in the worst case, become ground for another wave of ethnic cleansing.

II. Right to life

22. The existing grave human rights situation in the occupied regions of Georgia was proved once again by the act of murder of Mr. Giga Otkhozoria, a 30-year-old resident of Gali district, committed on 19 May 2016 by so called "border guards" deployed along the occupation line. The murder was committed in the village of Khurcha, Zugdidi district, located in the territory controlled by the central government of Georgia.

23. CCTV footage of arbitrary deprivation of life of Mr. Giga Otkhozoria was released on 20th May 2016 (available at <https://www.youtube.com/watch?v=_IAGeGa_MvU>). Mr. Giga Otkhozoria was killed by several shots. The murderer was acting with its accomplices. The murderer of Mr. Giga Otkhozoria has been identified – Mr. Rashid Kanciogli.

24. On 19th May 2016, the Ministry of Foreign Affairs of Georgia issued a statement "concerning the fact of murder committed in the village of Khurcha, Zugdidi District, on May 19, 2016." According to the statement "this criminal act once again demonstrates the highly alarming situation in the occupied region of Abkhazia, Georgia and the full responsibility for it lies with the Russian Federation as with the power in effective control of the region."[25] The Ministry of Foreign Affairs of Georgia further stated that "the abovementioned criminal act clearly reaffirms the need of establishing international

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[24] Shamba "Ministry of Interior of Abkhazia should retain the function of distribution of passports", "Apsny", 26 May 2916, available at <http://apsny.ru/news/?ID=22318&PAGEN_1=5>

[25] Statement by the Ministry of Foreign Affairs of Georgia concerning the fact of murder committed in the village of Khurcha, Zugdidi District, on May 19, 2016, 19 May 2016, available at <http://www.mfa.gov.ge/News/%E1%83%A1%E1%83%90%E1%83%92%E1%83%90%E1%83%A0%E1%83%94%E1%83%9D-%E1%83%A1%E1%83%90%E1%83%A5%E1%83%9B%E1%83%94%E1%83%97%E1%83%90-%E1%83%A1%E1%83%90%E1%83%9B%E1%83%98%E1%83%9C%E1%83%98%E1%83%A1%E1%83%A2%E1%83%A0%E1%83%9D%E1%83%A1-%E1%83%92%E1%83%90%E1%83%9C%E1%83%AA%E1%83%AE%E1%83%90%E1%83%93%E1%83%94%E1%83%91%E1%83%90-2016-%E1%83%AC%E1%83%9A%E1%83%98%E1%83%A1-1.aspx?CatID=5&lang=en-US>

security mechanisms and of unhindered and continuous access of international human rights monitoring mechanisms in the occupied Abkhazia and Tskhinvali regions."[26]

25. On 20 May 2016, the European Union Monitoring Mission in Georgia (EUMM) made the following statement "EUMM can confirm the fatal shooting of a local man on 19 May at the Khurcha-Nabakevi crossing point on the Administrative Boundary Line. According to a preliminary assessment based on local witnesses, armed security actors from the Abkhaz side of the bridge crossed over to Tbilisi Administered Territory (TAT) and carried out the shooting."[27]

26. The international community reacted immediately to this blatant violation of the right to life. For example, on 21st May 2016, U.S. Embassy in Georgia made the following statement "[t]he United States condemns the fatal shooting of an unarmed man in the village of Khurcha, close to the Nabakevi Crossing Point on the Administrative Boundary Line (ABL). We extend our condolences and deepest sympathies to the family of the deceased and urge that a thorough and prompt investigation take place immediately and that those responsible for this tragedy be held accountable."[28] On 23rd May 2016, British Ambassador to Georgia Alexandra Hall Hall commented on incident in village Khurcha: "I am shocked and deeply saddened at the fatal shooting of Giga Otkhozoria on Thursday night in the village of Khurcha. I offer my deepest condolences to Mr Otkhozoria's family and friends. It is vital that those responsible are brought to justice and calm restored."[29] On 24th May 2016, Ms. Anna Fotyga, Chair of the Subcommittee on Security and Defence (SEDE) of the Committee on Foreign Affairs of the European Parliament stated that "a very disturbing incident took place on the ABL with Abkhazia, where a Georgian citizen was killed allegedly by the separatist Abkhaz "border guards". I strongly condemn the crime and call for the Georgian authorities to conduct an investigation and bring the perpetrators to justice."[30] According to "Joint Statement on the Human Rights and Humanitarian Situation in Georgia's Regions of Abkhazia and the Tskhinvali Region", adopted on 29 June 2016 at the 32nd Session of the UN Human Rights Council, "the recent

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[26] Ministry of Foreign Affairs published the First Quarterly Report for 2016 on the Human Rights Situation in the Occupied Regions of Georgia, 6 June 2016, available at <http://www.mfa.gov.ge/News/%E1%83%A1%E1%83%90%E1%83%92%E1%83%90%E1%83%A0%E1%83%94%E1%83%9D-%E1%83%A1%E1%83%90%E1%83%A5%E1%83%9B%E1%83%94%E1%83%97%E1%83%90-%E1%83%A1%E1%83%90%E1%83%9B%E1%83%98%E1%83%A1%E1%83%A2%E1%83%A0%E1%83%9D%E1%83%9B-%E1%83%A1%E1%83%90%E1%83%A5%E1%83%90%E1%83%A0%E1%83%97%E1%83%95%E1%83%94%E1%83%9A%E1%83%9D%E1%83%A1-%E1%83%9D%E1%83%99%E1%83%A3%E1%83%9A%E1%83%98%E1%83%A0-(1).aspx?CatID=5>

[27] EUMM Statement on the Incident in Khurcha, 20 May 2016, available at <https://www.eumm.eu/en/press_and_public_information/press_releases/5416/?year=2016&month=8>

[28] U.S. Embassy Statement on Fatal Shooting of an Unarmed Man in the Village of Khurcha, 21 May 2016, available at <http://georgia.usembassy.gov/news-events/embassy-news/2016/21052016statement.html>

[29] Available at <https://www.facebook.com/ukingeorgia/posts/1222950887723010>

[30] I am concerned with the latest developments in Georgia - Anna Fotyga, "IPN", 24 May 2016, available at <http://www.interpressnews.ge/en/politics/78564-i-am-concerned-with-the-latest-developments-in-georgia-anna-fotyga.html?ar=A>

killing of a Georgian citizen by the so-called "border-guards" has further escalated the situation."[31]

27. It should be emphasized that the Prosecutor's Office of Georgia filed charges against Mr. Rashid Kanciogli for the premeditated murder of Mr. Giga Otkhozoria and criminal prosecution was launched under the Criminal Code of Georgia.[32] However Mr. Rashid Kanciogli and his accomplices fled to the occupied territory of Abkhazia immediately after the shooting (as clearly depicted on the CCTV footage) and therefore under these circumstances it is impossible for Georgia's Prosecutor's Office as well as for the courts of common jurisdiction of Georgia to deliver justice. On 20 May 2016, the Ministry of Foreign Affairs of the Russian Federation commented on the issue and declared that the Russian Federation has no connection to the act of murder of Mr. Giga Otkhozoria.[33] The above situation with regard to the violation of the right to life of Mr. Giga Otkhozoria once again demonstrates that the occupied territories of Georgia remain "black holes" in terms of holding the violators of human rights accountable. The above situation further reaffirms the need of immediate, unhindered and continuous access of international human rights monitoring mechanisms in the occupied territories of Georgia.

28. On 6th June 2015, Mr. Giorgi Kvirikashvili, the Prime Minister of Georgia made the following statement on the issue "more than 2 weeks have passed since the vicious crime that appalled all of us. Unfortunately, till this very moment we have not received information concerning the detention of the murderer of Giga Otkhozoria. It is outraging that this tragic fact has undermined the positive results attained throughout the confidence building process. Moreover, continuation of meetings within the frames of Incident Prevention and Response Mechanism becomes increasingly challenging. This fact will also hamper the dialogue under the umbrella of Geneva talks till the representatives of de facto Abkhaz Government remain stagnant in terms of detention of the murderer of Giga Otkhozoria. We consider Gali Incident Prevention and Response Mechanism to be a result of hard work. During the last meeting held within the frames of the said format our representatives handed all materials to the participants of the meeting, but unfortunately the result has not been attained yet. In the given case there is a risk that the murderer will be liquidated. Moreover, the party directly interested in the disruption of the confidence building process may accomplish this. Hence, we believe that much is at stake! We are facing enormous risks. The sole rational and correct action is to immediately arrest the murderer even within the frames of unilateral tools employed by de facto Abkhaz Government that we do not recognize. Of course, within the frames of Gali meeting we demanded prompt arrest of the criminal, but representatives of de facto Government of Abkhazia immediately linked this issue to the question of their status and referred to the nonexistence of the relevant legislative framework. Due to the urgent character of the issue we consider the arrest of the criminal to be vitally important. The confidence between the Georgians and the Abkhazians should be restored. Exemption from punishment of the perpetrator of such a violent crime will only open wounds. This only serves the interest of

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[31] Joint Statement on the Human Rights and Humanitarian Situation in Georgia's Regions of Abkhazia and the Tskhinvali Region, 32nd Session of the UN Human Rights Council, 29 June 2016.

[32] *The Prosecutor's Office Launches Criminal Proceedings on the Murder of Giga Otkhozoria*, "Prosecutor's Office of Georgia", 21 May 2016, available at <http://pog.gov.ge/eng/news?info_id=932>.

[33] Comment of the Department for Information and Publishing of the MFA of Russia in connection to the incident on Georgian-Abkhazian Border, "MFA of the Russian Federation", 20 May 2016, available at <http://www.mid.ru/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/2288092>.

enemies of the Georgians and the Abkhazians. Therefore, we need a cool head approach to reintegrate this deadlock situation with joint efforts."[34]

III. Arbitrary detention

29. The Russian FSB officers regularly carry out arbitrary detention for so called "illegal border crossing" along the occupation lines with Abkhazia and Tskhinvali regions. Detention period can last several days or several months, in some cases several years. It should be emphasized that on 29th April 2016, Mr. Dimitri Iudin, General-Major, "Chief of the Russian FSB Border Guards in Abkhazia" publicly declared that for the last seven years the Russian FSB officers detained 14 000 people for so called "illegal border crossing" and more than 2 000 people were detained for so called "violation of border regime".[35]

30. During the reporting period numerous cases were reported on arbitrary detention in the occupied regions of Georgia. Below are only few examples.

31. On 14th April 2916, 5 citizens of Georgia were detained by the Russian FSB officers for so called "illegal border crossing" nearby of the occupation line with Tskhinvali region. All detainees were transported to the direction of Tskhinvali.[36]

32. On 23rd April 2016, a 17-year-old resident of the village of Tsitelubani, Gori district, was detained by the Russian FSB officers for so called "illegal border crossing" along the occupation line with Tskhinvali region. The resident of the village of Tsitelubani was in pasture fields for cattle grazing, however he did not cross the occupation line. The Russian FSB officers entered the territory controlled by the central government of Georgia and abducted him to the occupied Tskhivali region.[37]

33. On 20th April 2016, around 10 residents of Gali district were detained by the Russian FSB officers along the occupation line with Abkhazia for so called "illegal border crossing". All detainees were immediately transported by the Russian FSB officers to so called Gali detention centre. Among the detainees there were several minors. The Russian FSB officers detained these individuals on the suspicion that they were residents of Zugdidi, located on the territory controlled by the central government of Georgia. However, after a while all detainees were released.[38]

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[34] Statement of the Prime Minister concerning the murder of Giga Otkhozoria in village of Khurcha, 6 June 2016, available at <http://gov.ge/index.php?lang_id=ENG&sec_id=440&info_id=56007>.

[35] The Russian FSB Border Guards Service in Abkhazia commemorates 7th anniversary from its establishment, "apsnypress", 29 April, 2016, available at <http://www.apsnypress.info/news/pogranupravlenie-fsb-rossii-v-abkhazii-prazdnuet-sedmuyu-godovshchinu-so-dnya-obrazovaniya/>.

[36] 5 Citizens of Georgia detained in "South Ossetia", "Timer", 18 April 2016, available at <http://www.timer.ge/okupirebul-samkhreth-oseTshi-saqarTvelos-khuTi-moqalaqe-daakaves/>.

[37] A 17-year-old youngster was abducted from the village of Tsitelubani, "Ambebi", 23 April 2016, available at <http://www.ambebi.ge/samartali/161977-sofel-tsitelubnidan-17-tslis-akhalgazrda-gaitaces.html>.

[38] Russian Militaries released 10 people detained near Khurcha, "Smoge", 20 April 2016, available at <http://www.smoge.org.rusma-samkhedroebma-khurchis-sazghvarTan-dakavebuli-aTi-adamiani-daukhonebliv-gaaTavisupla/>.

34. On 13[39] May 2016, 9 residents of the village of Korbouli, Sachkhere district, were detained by the Russian FSB officers for so called "illegal border crossing" while they were harvesting "jonjoli"[40]. All detainees were transported to the Tskhinvali detention centre.[41]

35. On 19 May 2016, in the village of Speti, Sachkhere municipality, 4 residents were detained in their village for so called "illegal border crossing". These 4 persons were transporting honey bee boxes in their village, in the vicinity of the occupation line, when they were detained.[42]

36. On 1[st] June 2016, a 65-year-old resident of the village of Kere, Gori district was detained by the Russian FSB officers for so called "illegal border crossing" along the occupation line with Tskhinvali region. The detainee did not cross the occupation line; the Russian FSB officers entered the territory controlled by the central government of Georgia and abducted him to the direction of Tskhinvali.[43]

IV. Freedom of movement

37. Restrictions on freedom of movement remains issue of concern that has been attested by the various sources made available in the reporting period. Below are only few examples.

38. On 15[th] April 2016, "Tagiloni" crossing point along the occupation line with Abkhazia was closed. It was operating on a bridge over the River Enguri along the occupation line with Abkhazia.[45] After the closure of "Tagiloni" crossing point, five other crossing points remain operational along the occupation line with Abkhazia.[44] It was declared on 15[th] April 2016 by a representative of Sokhumi occupation regime that gradually all remaining crossing points along the occupation line with Abkhazia would be closed except the main one - "Enguri" crossing point. It was recalled by the same representative of Sokhumi occupation regime that closure of all operational crossing points,

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[39] May is the month for the "Jonjoli" harvest in Georgia. "Jonjoli" or bladdernut is a shrub that grows wild in areas adjacent to the occupation line. "Jonjoli" is used for cooking in Georgia and is sold in markets, it constitutes the main source of income for some people living in villages.

[40] Russian Militaries detained 9 persons, "Kvira", 13 May 2016, available at <http://kvira.ge/%E1%83%A0%E1%83%A3%E1%83%A1%E1%83%9B%E1%83%90-%E1%83%A1%E1%83%90%E1%83%9B%E1%83%AE%E1%83%94%E1%83%93%E1%83%A0%E1%83%9D%E1%83%94%E1%83%91%E1%83%9B%E1%83%90-%E1%83%A1%E1%83%90%E1%83%A5%E1%83%90%E1%83%A0/>

[41] Ossetian Militaries detained in the village of Speti 4 residents of the village, "Kvira", 20 May 2016, available at <http://kvira.ge/%E1%83%9D%E1%83%A1%E1%83%9B%E1%83%90-%E1%83%A8%E1%83%94%E1%83%98%E1%83%90%E1%83%A0%E1%83%90%E1%83%A6%E1%83%94%E1%83%91%E1%83%A3%E1%83%9A%E1%83%9B%E1%83%90-%E1%83%9E%E1%83%98%E1%83%A0%E1%83%94%E1%83%91/>

[42] A 65-year-old resident of the village of Kere was abducted by occupants, "Newpost", 1 June 2016, available at <http://www.newposts.ge/?l=G&id=109982-%E1%83%92%E1%83%90%E1%83%A2%E1%83%90%E1%83%AA%E1%83%94%E1%83%91%E1%83%90,%20%E1%83%9D%E1%83%99%E1%83%A3%E1%83%9A%E1%83%90%E1%83%9C%E1%83%A2%E1%83%94%E1%83%91%E1%83%98>

[43] Along the Border between Abkhazia and Georgia one of the five bridges is closed, "Sputnik-Abkhazia", 15 April 2016, available at <http://sputnik-abkhazia.ru/Abkhazia/20160415/1017933767.html>

[44] Crossing Point was closed on so called Tagiloni-Shamgoni border, "Livepress", 18 April 2016, available at <http://www.livepress.ge/ka/akhali-ambebi/article/14446.html>

except the main one, was the pre-electoral campaign pledge of the team of Mr. Khajimba.[45] It should be emphasized that on 18th April 2016, Mr. Dimitri Iudin, Chief of the Russian FSB Border Guards in the Abkhazian region personally reported to Mr. Khajimba on the demolition by the Russian FSB officers of "Tagiloni" crossing point bridge and on the planned construction of a fence on the vicinity of the former "Tagiloni" crossing point.[46] According to some reports, the closure of "Tagiloni" crossing point deteriorated the already grave situation for local residents.[47]

39. On 29th June 2016, Mr. Khajimba, when visiting villages of Gali district, publicly declared that "the decision had been made to close down additional crossing points over the River Enguri and to boost border and customs services on "Enguri" crossing point".[48]

40. In an interview Mr. Dimitri Stateionov, a Russian journalist working in the occupied region of Abkhazia declared that in the Abkhazian region there are "border zones" in the vicinity of the occupation line and there are limitations on freedom of movement for people residing in the Abkhazian region in terms of entering these territories; there is a need to have special "permit" issued by so called "State Security Service of Abkhazia" in order to enter these "border zones". According to the journalist, violation of this regime is followed by detention by the Russian FSB officers as it was case with himself when paying professional visit in one of the villages in Gali district considered as "border zone".[49]

41. It should be emphasized that during the reporting period, namely during the Orthodox Easter holiday on 1st and 2nd May 2016, Georgians living the different sides of razor wire and barbed wire fences along the occupation line were denied the right to celebrate Easter according to the established tradition. According to the Women's Information Center (WIC) "colored eggs, cake and a bottle of communal wine are traditional for Easter in Georgia. We wanted to bring these special items to the Valishvili family and remind them that they are not alone. Of course, the Russian military personnel don't like when they have Georgian 'guests' gathering at the barbed wire fence." It has been further noted that by WIC that "dozens of cemeteries and historic churches are separated from their villages after the Russians installed barbed wire fences along the Administrative Boundary Line after the 2008 war."[50] During the Orthodox Easter holiday internally

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[45] Along the Border between Abkhazia and Georgia one of the five bridges is closed, "Sputnik-Abkhazia", 15 April 2016, available at <http://sputnik-abkhazia.ru/Abkhazia/20160415/1017933767.html>

[46] President Raul Khajimba met with Dimitri Iudin, General-Major, Chief of the Russian FSB Border Guards in Abkhazia, "apsnypress", 18 April 2016, available at <http://www.apsnypress.info/news/raul-khadzhimba-prinyal-nachalnika-pogranupravleniya-fsb-rossii-v-abkhazii/>

[47] Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 18 April and 23 April 2016, p. 4

[48] President Raul Khajimba visited on working tour Gali district, "Apsnypress", 29 June 2916, available at <http://www.apsnypress.info/news/prezident-raul-khadzhimba-posetil-s-rabochey-poezdkoy-galskiy-rayon/>

[49] Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 18 April and 23 April 2016, pp. 4-7

[50] Easter a Melancholy Affair for Those Divided By Russian-built S. Ossetian Border Fence, "Georgian Journal", 4 May 2016, available at <http://www.georgianjournal.ge/politics/32479-easter-a-melancholy-affair-for-those-divided-by-russian-built-s-ossetian-border-fence.html>

displaced persons (IDPs) were deprived the possibility to visit churches and graveyards on the other side of the occupation line.[51]

V. Right to property

42. Violations of the right to property occur systematically in the occupied regions of Georgia attested by the various sources made available in the reporting period. It should be noted that according to the information disseminated by "the Peace Foundation" on 11th May 2016, the Russian occupying forces exert influence on local population through various means, including through destruction/burning of their properties.[52] It should be emphasized that during the reporting period the United Nations General Assembly adopted a resolution stressing "the need to respect the properly rights of all internally displaced persons and refugees affected by the conflicts in Georgia and to refrain from obtaining property in violation of these rights".[53]

43. As already described in section "introduction" of the present report, during the reporting period, namely on 6th June, 2016 the Russian occupying forces installed two additional banners marking the so-called "state border" in the vicinity of the village of Avlevi, Kareli district. By the installation of these new banners agricultural plots of lands being in private possession of local residents appeared beyond new markers and access to these lands was blocked for them.[54]

44. On 10th May 2016, a person was travelling from the territory controlled by the central government of Georgia through a crossing point along the occupation line with Abkhazia. At the crossing point, the person was stopped and a certain amount of vegetables he was transporting was seized and thrown away. On the same day, all people transporting various agricultural products of Turkish origin to occupied Abkhazia from Zugdidi market, the territory controlled by the central government of Georgia, were stopped and all products seized.[55]

45. On 11th May 2016, a truck travelling from the territory controlled by the central government of Georgia was stopped at the occupation line with Tskhinvali region. The truck and its cargo (construction sand) belonged to residents of the village of Zardiantkari,

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[51] IDPs from the occupied territories were deprives possibility to visit graveyards on the other side of so called border "Ambebi", 2 May 2016, available at <http://www.ambebi.ge/conflicts/162584-okupirebuli-teritoriebidan-devnil-mosakhlebas-ets-sazghvris-mighma-darchenili-saflavebis-monakhulebis-sashualeba-ar-mieca.html>

[52] "The Peace Foundation", 11 May 2016, available at <https://www.facebook.com/ThePeaceFoundationHQ/photos/ms.c.eJxFzcERwCAIRNGOMsKyq-.IfWAyOxJtvPmAORMYMaSFcjxUQ-.gG0LpAFwQvKMUxSA9cpvIvvI-.tdtAS4p3op7FzJ-.2wV6KWBKjgbWIX7C9DtJbg--bps.a.1233493623350205.1073741910.1076144122418490/1233494746683426/?type=3&thea>

[53] Resolution adopted by the General Assembly on 10 June 2016 on Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia A/RES/70/265, paragraph 2

[54] Russian Border Guards installed new Banners near the village of Avlevi, "IPN", 8 June 2016, available at <http://www.interpressnews.ge/ge/konfliqtebi/383443-sofel-avlevis-ganapiras-shetaraghebulma-pirebma-etssazghvris-aghmnishvneli-banerebi-daamontazhes.html?ar=A>

[55] Georgian tomatoes and cucumbers cannot be transported to Abkhazia, "Livepress", 10 May 2016, available at <http://www.livepress.ge/ka/akhali-ambebi/article/14622-afkhazethshiqarthulikitridapomidorivegharsheaqvth.html>

Gori district, the territory controlled by the central government of Georgia. The truck and the cargo (construction sand) were seized for so called "illegal border crossing".[56]

46. On 30th June 2016, a vehicle travelling from the territory controlled by the central government of Georgia was stopped at the occupation line with Tskhinvali region. The car was transporting agricultural products amounting to 850 kilograms. The car and agricultural products belonged to a resident of Akhalgori district, the occupied territory of Tskhinvali region. 850 kilograms of agricultural products were seized for the reason of "exceeding the amount of allowable transportable products (maximum 50 kilograms)" along the occupation line and the fine was imposed.[57]

VI. Right to education in the native language

47. According to the EU Statement on the Secretary General's 13th Consolidated Report on the conflict in Georgia, made on 27th April 2016, "The EU expresses its concern at reports on a continuing deterioration of the access to education in the native language in the Georgian region of Abkhazia. We strongly believe that the right to education for everyone, including education in the native language should be guaranteed and applied in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia as well."[58]

48. According to the report of the Public Defender of Georgia, published during the reporting period, "switching to the teaching in Russian language seriously deteriorated the quality of education. According to the information of the Public Defender, some families had to leave their place of residence and had to move children in the area controlled by Georgia to continue their studies in their native language".[59]

49. It should be recalled here that in the Gali district there are 31 schools.[60] From 31 schools only 11 schools, all of which are in "lower zone" of Gali district, had the status of Georgian schools until the end of the academic year 2014-2015 and subjects were taught in the Georgian language.[61] However, from the beginning of September of the academic year 2015-2016, drastic changes were made in the curriculum of these 11 schools in "lower zone" of Gali district, namely at present all subjects are taught in the Russian language in

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[56] Violators tried to bring from Georgia to South Ossetia construction sand, "sputnik-ossetia", 11 May 2016, available at <http://sputnik-ossetia.ru/South_Ossetia/20160511/1881085.html>

[57] Transporter of agricultural products was fined in South Ossetia, "sputnik-ossetia", 30 June 2016, available at <http://sputnik-ossetia.ru/South_Ossetia/20160630/2440886.html#ixzz4D9fB3RKj>

[58] EU Statement on the Secretary General's 13th Consolidated report on the conflict in Georgia, 1254th Council of Europe Committee of Ministers Meeting – 27 April 2016.

[59] The Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia – 2015, "Public Defender (Ombudsman) of Georgia", 1 April 2916, p. 122, available at <http://www.ombudsman.ge/uploads/other/3/3652.pdf>

[60] By the end of the academic year 2014-2015 there were 4, 459 pupils and 918 employees in these 31 schools, from 4, 459 pupils, 97.57 per cent. were ethnically Georgian and from 918 employees, 91.78 per cent were ethnically Georgian. See Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 27 July and 2 August 2015.

[61] The Realm of the Po..sible - Finding ways forward in the Georgian-Abkhaz context. People in the Gal-I region. Conciliation Resources, July 2015, page 10, available at <http://www.c-r.org/downloads/CR_The-Realm-of-the-possible_Gal-i_43_webEn.pdf>. Report of the Year 2014 of the Public Defender of Georgia on the Situation of Rights of the Population Affected by the Conflicts, 5 June 2015, page 26, available at <http://www.ombudsman.ge/en/news/reports-on-the-human-rights-situation-of-conflict-affected-population-and-internally-displaced-persons-in-georgia.page>

the first four grade classes i.e. in first grade, second grade, third grade and fourth grade classes.[62] This policy, if continued for several years, will result in gradual replacement of the Georgian curriculum with the Russian curriculum for all grades in these 11 schools of "lower zone" of Gali district. According to the Public Defender of Georgia "in the nearest future studying in Georgian in the Gali district schools will stop."[63]

50. In addition, according to the information disseminated during the reporting period, already in five to seven grade classes the Russian language has been dominating over the Georgian language and in eight to eleven grade classes all subjects are taught in the Russian language and only two hours are allocated to the Georgian language and literature.[64]

51. On 5th June 2016, so called "Deputy Minister for Education" of the Sokhumi occupation regime declared that "all schools of Gali district will be transformed to the Abkhaz standards" and "it is necessary to cease process of the Georgian curriculum teaching".[65] According to the same source, "the main challenge is to prepare teachers for that, since many of them do not have adequate knowledge of the Russian language, noting to say about their ability to teach in the Russian language."[66]

52. According to the information disseminated during the reporting period, the situation in 11 schools of Gali district changed dramatically, namely forceful teaching in the Russian language affected negatively the quality of learning; so called "governmental officials" enter these schools in Gali district in order to double check whether the language of instruction is Russian or Georgian; school teachers are warned that they would be dismissed if using the Georgian language; disobeying teachers are accused of unconstitutional behavior and dismissed, some of them were even forced to leave the place of permanent residence in Gali district; the Georgian songs and dances are banned; there are many cases of parents making decisions on termination of attendance by their schoolchildren of the schools with newly introduced Russian curriculum and transferring them to the schools located on the other side of the occupation line - there were 65 such cases during the academic year 2015-2016 so far known.[67]

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[62] The Russian curriculum means that the Russian textbooks, licensed by the Ministry of Education and Science of the Russian Federation and published in the Russian Federation, are used for the teaching. A special Report of the Public Defender of Georgia – The Right to Education in Gali District: New Developments and Challenges of the Academic Year of 2015-2016, "Public Defender of Georgia", October 2015, page 4 and 5, available at <https://drive.google.com/file/d/0B9BM3M8hbgAUNFE3RndlaXc2dFU/view?pref=2&pli=1>. In these classes only few hours is allocated for learning the Georgian language as a foreign language.

[63] The Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia – 2015, "Public Defender (Ombudsman) of Georgia", 1 April 2916, p. 122, available at <http://www.ombudsman.ge/uploads/other/3/3652.pdf>.

[64] Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 11 April and 17 April 2016, p. 13.

[65] Gali Pupils will be taught according to Abkhaz standards, "Sputnik-Abkhazia", 5 June 2016, available at <http://sputnik-abkhazia.ru/Abkhazia/20150605/1014853569.html>.

[66] Gali Pupils will be taught according to Abkhaz standards, "Sputnik-Abkhazia", 5 June 2016, available at <http://sputnik-abkhazia.ru/Abkhazia/20150605/1014853569.html>.

[67] Joint Meeting of the Temporary Commission for Territorial Integrity, Committees for Foreign Relations, Education, Culture, Diaspora and Caucasus Issues, "Government of Autonomus Republic of Abkhazia", 19 April 2016, available at <http://abkhazia.gov.ge/index.php?lang_id=GEO&sec_id=36&info_id=7111>; Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 11 April and 17 April 2016, pp. 13-14.

VII. Conclusions

53. It can be concluded that the act of murder of Mr. Giga Otkhozoria during the reporting period violated the right to life, namely Article 6 of the International Covenant on Civil and Political Rights (ICCPR); Article 3 of the Universal Declaration of Human Rights (UDHR); Article 2 of the European Convention on Human Rights (ECHR); and the OSCE commitments.

54. It can be concluded that the situation described in the occupied regions of Georgia with regard to arbitrary detention and examples provided for the reporting period constitute arbitrary detention and therefore violations of Article 9 of the International Covenant on Civil and Political Rights (ICCPR); Article 3 of the Universal Declaration of Human Rights (UDHR); Article 5 of the European Convention on Human Rights (ECHR); and relevant provisions of the OSCE commitments.

55. It can be concluded that the situation described in the occupied regions of Georgia with regard to freedom of movement and examples provided for the reporting period constitute violations of the right to freedom of movement, namely of Article 12 of the International Covenant on Civil and Political Rights (ICCPR); Article 13 of the Universal Declaration of Human Rights (UDHR); Article 2, Protocol No. 4 of the European Convention on Human Rights (ECHR); and the OSCE freedom of movement commitments.

56. It can be concluded that the situation described in the occupied regions of Georgia with regard to the right to property and examples provided for the reporting period violate the right to property, namely Article 17 of the Universal Declaration of Human Rights (UDHR); Article 1, Protocol No. 1 of the European Convention on Human Rights (ECHR); and the OSCE commitments.

57. It can be concluded that the situation described in the occupied regions of Georgia with regard to education in the native language and examples provided for the reporting period constitute violations of the right to education in one's native language and therefore violations of Article 26 (read in conjunction with Article 2) of the Universal Declaration of Human Rights (UDHR); Article 2, Protocol No. 1 of the European Convention on Human Rights (ECHR); Article 28 (read in conjunction with paragraph 1 of Article 2) of the UN Convention on the Rights of the Child; and relevant provisions of the OSCE commitments.

58. It can be concluded that the situation described in the occupied regions of Georgia, particularly adoption of so called "laws" and the process of "passportisation" violates prohibition of discrimination provisions of Article 14 and Protocol No. 12 of the European Convention on Human Rights (ECHR); Article 26 of the International Covenant on Civil and Political Rights (ICCPR); and International Convention on the Elimination of All Forms of Racial Discrimination.

59. It can be further concluded that the situation described in the occupied regions of Georgia violates the right of return of all internally displaced persons and refugees and their descendants, regardless of ethnicity, to their homes throughout Georgia, including in Abkhazia and the Tskhinvali region.[68]

[68] Resolution adopted by the General Assembly on 10 June 2016 on Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, A/RES/70/265. See also previous resolutions: 69/286 of 3 June 2015, 68/274 of 5 June 2014, 67/268 of 13 June 2013, 66/283 of 3 July 2012, 65/287 of 29 June 2011 etc.

VIII. Appeal to the international community

60. The Ministry of Foreign Affairs of Georgia appeals to the international community, states as well as international intergovernmental and non-governmental organizations:

- to intensify calling on the Russian Federation, as the power in effective control, to ensure that Mr. Rashid Kanciogli and its accomplices, responsible for arbitrary killing of Mr. Giga Otkhozoria are brought to justice;
- to continue recognizing extensively and widely the occupation of the territories of Georgia by the Russian Federation;
- to continue calling on the Russian Federation to bear responsibility for human rights violations on the occupied regions of Georgia;
- to continue calling on the Russian Federation to stop placing and remove barbed wire fences and other artificial obstacles and banners along the occupation line;
- to take additional measures in order to monitor and report on the human rights situation in the occupied regions of Georgia, more specifically, the Ministry of Foreign Affairs of Georgia appeals to:
    - i). the Office of the United Nations High Commissioner for Human Rights (OHCHR) to take additional measures in order to regularly address and assess the human rights situation in Abkhazia and Tskhinvali region of Georgia;
    - ii). the UN Human Rights Council's Special Procedure Mandate holders to take additional measures in order to address and report on the human rights situation in Abkhazia and Tskhinvali region of Georgia;
    - iii). the Commissioner for Human Rights of the Council of Europe to take additional measures in order to address and report on the human rights situation in Abkhazia and Tskhinvali region of Georgia;
    - iv). the OSCE and its autonomous institutions, namely the Office for Democratic Institutions and Human Rights (ODIHR) and the Office of the High Commissioner on National Minorities (HCNM) to find ways for monitoring the human rights situation in Georgia's occupied regions. Such steps could, inter alia, include undertaking a follow-up mission to the occupied regions of Georgia and preparing a report on the status of the implementation of the recommendations contained in the ODIHR/HCNM 2008 Report on "Human Rights in the War Affected Areas following the Conflict in Georgia".
- to continue calling on the Russian Federation to allow a) access of the international human rights monitoring mechanisms to the occupied regions of Georgia; b) access of the relevant missions of international organizations (e.g. EUMM), including humanitarian organizations, to the occupied regions of Georgia through legal routes;
- to continue and intensify condemning violations of human rights such as the right to life; freedom of movement; freedom from torture and ill-treatment; the right to liberty; the right to property and the right to receive education in the native language in the occupied regions of Georgia.